

## REMARKS:

### Status of claims

Claims 1-3 are pending in the application. In the Office Action dated June 6, 2007, the Examiner rejected claims 1-3 under 35 U.S.C. 103(a) as being unpatentable over Sasaki et al. in view of Holbrook et al. These rejections are respectfully traversed.

### Checking a shift range selection state

The Examiner referred to Sasaki's column 3, lines 7-28 as allegedly teaching "checking a shift range selection state." This is respectfully traversed; however, it is difficult for Applicant to provide specific comments in traversal, as this passage describes a system, not a method, and includes no mention of any components capable of checking a shift range selection state. The passage immediately following the cited passage, column 3, lines 29-46, does mention sensors capable of checking load, speed, and temperature, but not shift range selection state. This paragraph simply cannot be construed as teaching checking a shift range selection state. Claim 1, as well as its dependents, claims 2-3, is thus patentable over Sasaki and Holbrook.

### Determining whether operating elements that commonly operate...are operating

The Examiner did not include the inventive limitation of "determining whether operating elements that commonly operate at N, D and R ranges are operating when said shift range is in N or D range, or in the midst of N-D change" in the rejection. However, the Examiner did refer to Sasaki as allegedly teaching "calculating an inspection speed by multiplying an output axle speed of the automatic transmission by an expected gear ratio when said common operating elements are operating." As best understood by Applicant, then, Sasaki, not Holbrook, is being relied on as disclosing the determining step.

The only mentions of operating elements in Sasaki are at column 1, lines 16-19 ("Gear shifts...are completed by selectively actuating...solenoids to...lock and unlock friction coupling elements, such as brakes and clutches.") and column 3, lines 20-25 ("Multiple transmission gear mechanism 3 includes a plurality of hydraulically operated friction coupling elements, such as brakes and clutches, which are selectively locked and unlocked to create various power transmission paths and thereby to shift the automatic transmission AT to desired forward gears.") Sasaki does not disclose or suggest determining whether these operating elements are operating, nor does it disclose or suggest calculating an inspection speed when the elements are operating. Claim 1, as well as its dependents, claims 2-3, is thus patentable over Sasaki and Holbrook.

## Conclusions

In view of the foregoing, Applicant believes all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance is respectfully requested.

Authorization is granted to charge any outstanding fees due at this time for the continued prosecution of this matter, or credit any overpayment, to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (matter no. 060945-0144).

Respectfully submitted,



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Date